

FUJITA - 10/070,953
Client/Matter: 009429-0290756

REMARKS

Claims 1-14 are pending. By this amendment, the abstract is amended; claim 6 is amended and claims 7-14 are added. Reconsideration in view of the above amendments and following remarks is respectfully requested.

Applicant appreciates the acknowledgement of the claim for priority and receipt of the certified copies of the priority document from the International Bureau.

An Information Disclosure Statement, including a PTO-1449 and a copy of the International Search Report (ISR) was submitted with the application on the filing date, March 13, 2002. Enclosed is a copy of Applicant's date-stamped post card receipt acknowledging receipt of the PTO-1449 and ISR. Applicant has not yet received an initialed and signed copy of the PTO-1449. The undersigned respectfully requests that the examiner consider each reference, initial, date and sign the PTO-1449 and return a copy of such with the next Office Action in accordance with MPEP §609. Enclosed for the Examiner's information is a translation of the International Preliminary Examination Report (IPER).

Claim 6 was objected to under 37 C.F.R. §1.75(c). Claim 6 has been amended to obviate the objection. Reconsideration and withdrawal of the objection to claim 6 are respectfully requested.

Claims 1-5 were rejected under 35 U.S.C. §112, first paragraph. The rejection is respectfully traversed.

The Office Action on page 2 alleges that "The specification, however, does not adequately define what is meant by 'trouble' of the gas detecting means."

The instant specification discloses, for example, on page 6, lines 7-19, that after a comparison gas pressure has been determined, respective deviations of the comparison gas pressure and the gas pressures measured by the pressure sensors when the stop valves are fully opened are compared with a threshold. When any deviation exceeds the threshold, it is judged that trouble has occurred in the pressure sensor which has detected the gas pressure related to the pertinent deviation.

As another example, claim 5 of the application, as originally filed, states that the trouble judgement means make a positive judgement concerning the presence of trouble when it is detected that the stop valves are fully opened when the vehicle has started.

FUJITA -- 10/070,953
Client/Matter: 009429-0290756

As yet another example, page 7, lines 6-8 of the instant specification disclose that trouble with the pressure sensors can be judged anytime the fully closed stop valves are fully opened.

MPEP §2164.04 states: "In order to make a rejection, the examiner has the initial burden to establish a reasonable basis to question the enablement provided for the claimed invention." MPEP §2164.04 further states: "A specification disclosure which contains a teaching of the manner and process of making and using an invention in terms which correspond in scope to those used in describing and defining the subject matter sought to be patterned must be taken as being in compliance with the enablement requirement of 35 U.S.C. 112, first paragraph, unless there is a reason to doubt the objective truth of the statements contained therein which must be relied on for enabling support." (Emphasis added.) Finally MPEP §2164.04 states: "It is incumbent upon the Patent Office, whenever a rejection on this basis is made, to explain *why* it doubts the truth or accuracy of any statement in a supporting disclosure and to back up assertions of its own with acceptable evidence or reasoning which is inconsistent with the contested statement. Otherwise, there will be no need for the applicant to go to the trouble and expense of supporting his presumptively accurate disclosure." (Emphasis in original.)

It is respectfully submitted that the Examiner has not met the initial burden of establishing a reasonable basis to question the enablement provided for the claimed invention as required by MPEP §2164.04. As discussed above, the instant specification contains teachings of the manner and process of making and using the claimed invention in terms which correspond in scope to those used in describing and defining the subject matter sought to be patented. The Office Action provides no explanation as to why it doubts the truth or accuracy of any of the statements in the instant specification. The instant specification clearly teaches one of ordinary skill in the art how to make and use the claimed invention.

It is also respectfully noted that the Office Action is completely devoid of any analysis of the eight factors set forth in MPEP §2164.01(a). MPEP §2164.01(a) states: "It is improper to conclude that a disclosure is not enabling based on an analysis of only one of the above factors while ignoring one or more of the others. The examiner's analysis must consider all the evidence related each of these factors, and any conclusion of nonenablement must be based on the evidence as a whole."

It is respectfully submitted that the rejection is improper as it fails to consider all of the evidence related to the factors set forth in MPEP §2164.01(a) and must be withdrawn.

FUJITA -- 10/070,953
Client/Matter: 009429-0290756

Claims 2-14 recite additional features of the invention and are allowable for the same reasons discussed above with respect claim 1 and for the additional features recited therein.

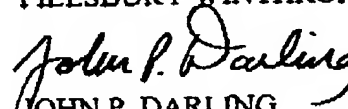
Reconsideration and withdrawal of the rejection under 35 U.S.C. §112, first paragraph are respectfully requested.

In view of the above amendments and remarks, Applicant respectfully submits that all of the claims are allowable and that the entire application is in condition for allowance.

Should the Examiner believe that anything further is desirable to place the application in better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

PILLSBURY WINTHROP LLP



JOHN P. DARLING

Reg. No. 44482

Tel. No. (703) 905-2045

Fax No. (703) 905-2500

Date: June 28, 2004

P.O. Box 10500
McLean, VA 22102
(703) 905-2000

Customer No.: 00909

Enclosures:

Date-stamped receipt (March 13, 2002)
PTO-1449 dated March 13, 2002
Translation of IPER

Pat-103 11/97 PTO RECEIPT FOR INDICATED ITEMS

Appn. No.: 0 /
 Inventor(s): FUJITA, Nobuo
 Title: GAS FEED DEVICE

ENCLOSED:

☒ Amendment
 # 1 No. of Pages Abstract
 # 10 No. of Pages Spec and Claims
 # 6 No. of numbered Claims only
☒ Declaration (3 # pgs)
☒ Assignment [☒] Cover Sheet
 # No. of Priority Documents
 # 2 No. Sheets Drawings (fig(s) 1 to 2) [☒] 1 set Formal
☐ IDS Letter [☐] cited App. [☒] Foreign sch rept/OA
☒ PTO-1449 [☒] cited docs.
 \$ 1210 Fee (Check)
 Other.

Any: GJP
 Date: March 13, 2002
 C#: 009429
 M#: 0290756

CURRENT DUE DATE: Nov. 12, 2002

Pat-103 11/97 PTO RECEIPT FOR INDICATED ITEMS

Appn. No.: 0 /
 Inventor(s):
 Title:

ENCLOSED:

☒ Amendment
 # 10 No. of Pages Abstract
 # 10 No. of Pages Spec and Claims
 # 6 No. of numbered Claims only
☒ Declaration (3 # pgs)
☒ Assignment [☒] Cover Sheet
 # No. of Priority Documents
 # 2 No. Sheets Drawings (fig(s) 1 to 2) [☒] 1 set Formal
☐ IDS Letter [☐] cited App. [☐] Foreign sch rept/OA
☒ PTO-1449 [☒] cited docs.
 \$ 0 Fee (Check)
 Other.

Any:
 Date:
 C#: 9
 M#: 6

10/070953

JC20 Rec'd PCT/PTO 13 MAR 2002

CURRENT DUE DATE: _____